

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:07-CR-205-BO  
No. 5:18-CV-490-BO

CHRISTOPHER RYAN PIERCE, )  
Petitioner, )  
v. )  
UNITED STATES OF AMERICA, )  
Respondent. )

ORDER

This matter is before the Court on petitioner's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255. Petitioner, Pierce, asserts that he is not guilty of having been a felon in possession of a firearm in violation of 18 U.S.C. §§ 922(g)(1) and 924 in light of the Fourth Circuit's holding in *United States v. Simmons*, 649 F.3d 237 (4th Cir. 2011) (en banc). The government does not oppose relief in this matter, stating that it waives its statute of limitations and procedural defenses. [DE 47]. The government agrees that Pierce's judgment and conviction should be vacated.

Pierce has raised a meritorious claim, and his motion pursuant to 28 U.S.C. § 2255 [DE 44] is GRANTED. The judgment, conviction, and sentence entered in this matter on July 29, 2008, [DE 24] are hereby VACATED. Pierce's conviction having been vacated, the motion for revocation of Pierce's term of supervised release [DE 35] is DENIED AS MOOT.

SO ORDERED, this 19 day of October, 2018.

  
TERRENCE W. BOYLE  
CHIEF UNITED STATES DISTRICT JUDGE